

REMARKS

In the Office Action mailed July 22, 2005, the Examiner rejected claims 1-11 and did not consider claims 12-14. Claims 12-14 have been canceled. Thus, claims 1-11 are pending and under consideration.

§ 102 Rejections

The Examiner rejected claims 1-6 and 9-11 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,766,319 ("Might"). These rejections are respectfully traversed.

Might teaches a system for collecting information from people. As illustrated in Figure 1, a plurality of "end user computers" collects information. Each of these end user computers transfers the collected information to a single "database server." Might discloses end user computers that transfer information only to a single database server. Nowhere does Might disclose end user computers capable of transferring information to more than one server.

In contrast to the system of Might, claim 1 recites "destination addresses" (claim 1, line 6). Further, claim 1 recites "assigning correspondences between the dialogue scenarios and [the] destination addresses" (claim 1, lines 5-6). This feature improves upon prior art systems such as Might by allowing content from a dialogue scenario to be transmitted to a plurality of addresses. As Might does not disclose anything comparable to this feature, Might does not anticipate claim 1.

Claims 2, 9 and 10 each contain a feature similar to the feature of claim 1 discussed above. Thus, these claims are also not anticipated by Might. Dependent claims 3-6 and 11 are not anticipated by Might for at least the same reason Might does not anticipate their base claim.

Further, regarding claims 5 and 6 the Applicants disagree with the Examiner's assertion that customers "inherently" report on merchandise. If the Examiner continues to assert this position, the Applicants respectfully request the Examiner to support the assertion with authority by citation of evidence in the prior art or submission of an Affidavit regarding personal knowledge of the Examiner, in accordance with MPEP § 2144.03(C).

Additionally regarding claims 5 and 6, the Examiner appears to assert that "merchandise information" is "nonfunctional descriptive material." The Examiner uses the term "merchandise information" without explaining how the text pertains to claims 5 and 6 and nowhere is the term "merchandise information" recited in claims 5 and 6. If the Examiner intended to refer to the term "merchandise identification data," then the Applicants respectfully disagree with the

Examiner's assertions. The "merchandise identification data" is recited in claim 5 as identifying "the merchandise" (claim 5, line 6) and as correspondingly assigned to the dialogue scenarios. Thus, the term "merchandise identification data" is clearly "functionally involved in the steps recited."

§ 103 Rejections

The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as unpatentable over Might in view of U.S. Published Application No. 2001/0032115 ("Goldstein"). This rejection is respectfully traversed.

Regarding claim 7, nothing has been cited or found in Goldstein that suggests modifying Might to overcome the deficiencies discussed above. Therefore, claim 7 is patentable over Might in view of Goldstein, viewed individually or in combination.

Regarding claim 8, the Examiner failed to explain why the Examiner rejected claim 8. Thus, the Examiner failed to comply with 37 C.F.R. § 1.104(a)(2), which requires that the Office Action state the reasons for any adverse action. If, in the next Office Action, the Examiner rejects claim 8 and provides an analysis for the rejection, the Applicants respectfully assert that it would be improper for the Examiner to make that action final.

§ 101 Rejections

The Examiner rejected claims 1-11 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner rejected the claims for failure to satisfy a requirement that the claims be directed to "technological arts". In the precedential decision of *Ex parte Lundgren*, Appeal 2003-2088 (October 2005), the USPTO Board of Patent Appeals and Interferences ruled "that there is currently no judicially recognized 'technological arts' test to determine patent eligible subject matter under § 101." The Board also specifically indicated that the non-precedential decision of *Ex parte Bowman* was not a binding decision. For this reason, it is respectfully requested that the § 101 rejection be withdrawn for lack of a foundation in the law.

§ 112 Rejections

The Examiner rejected claims 1-11 under 35 U.S.C. § 112, second paragraph as being indefinite. This reply amends the claims to address the issues raised by the Examiner.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this reply, please charge them to Deposit Account No. 19-3935.

Respectfully submitted,

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